

REMARKS

The pending Office Action addresses claims 1 and 3-19. Claims 1, 3, and 6-19 are rejected, and claims 4 and 5 are objected to.

Claim Amendments

Claims 1 and 11 are amended to recite that the rod member has elongated stem portion having an enlarged head with an aperture therethrough, a feature of allowable claim 4. Claim 4 is canceled, and claim 5 is amended to depend from claim 3. No new matter is added.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3, 6-13, and 15-19 are rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,667,664 of Taylor et al.

As stated above, independent claims 1 and 11 are amended to include features of allowable claim 4, namely that the rod member has an elongated stem portion having *an enlarged head* with an aperture therethrough. Nowhere does Taylor teach or suggest this feature of the claims. Taylor discloses a device for orthopedic surgery that includes an intramedullary nail 18, which the Examiner argues is the rod member of the claimed invention. However, nowhere along the intramedullary nail 18 is there an enlarged head having an aperture therethrough.

Accordingly, Taylor does not teach all the features of claims 1 and 11, and claims 1 and 11 and claims 3 and 6-10, 12, 13, and 15-19, which depend therefrom, distinguish over Taylor.

Claim Rejections under 35 U.S.C. § 103

Claim 14 is rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,667,664 of Taylor et al.

Claim 14 depends from claim 11, and thus includes all of its features. As stated above, Taylor does not teach or suggest the rod member with an elongated stem portion having an enlarged head with an aperture therethrough. Therefore, claim 14 is allowable at least because it depends from claim 11.

Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Respectfully submitted,

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